IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12194 of 2008
KANCHAN KUMAR TONDON & ORS
Versus
STATE OF BIHAR & ANR
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2 02.05.2008 Heard the learned counsels for the petitioners and the State.

The petitioners apprehend arrest in Ahiyapur P.S.Case No. 194 of 2004 registered under sections 498A, 323 and 504/34 of the Indian Penal Code and section ¾ of the Dowry Prohibition Act..

It has been submitted on behalf of the petitioner that the petitioner no.1 is a private teacher and petitioner nos. 2 & 3 are his old parents. It is submitted that the present case has been filed as a measure of retaliation since the petitioner no.1 had filed the Matrimonial Case No. 24 of 2007 under section 9 of the Hindu Marriage Act on 19th February, 2007 in which the complainant had appeared but did not file any written statement instead she filed the present case making false allegations. It is further submitted that the petitioner no.1 made all efforts to make the relationship good between the wife and husband for which he took the shelter of reconciliation centre "Vidhi Sahayata-sah-Sulah Kendra" where both the petitioner no.1 and complainant appeared and petitioner no.1 offered the complainant to stay with her however she flatly refused to stay with the petitioner no.1 and expressed her desire that she wants to stay with her parents only for which she did not state any reason. In the above circumstances it is submitted on behalf of the petitioner that they should not be subjected to undue hardship and are entitled to be granted the privilege of anticipatory bail.

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Learned Addl. P.P. appearing on behalf of the State on the other hand opposes the prayer for bail, however he is not in position to refute the submissions advanced on behalf of the petitioners.

Having considered the submissions and on perusal of the materials available on record contained at Annexures-1 & 2, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners namely, Kanchan Kumar Tondon, Paras Nath Tondon & Prema Devi be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S.Case No. 194 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**